

4051. Adulteration of vanilla wafers. U. S. v. 46 Dozen Packages of Vanilla Wafers. Default decree of condemnation and destruction. (F. D. C. No. 7639. Sample No. 48441-E.)

This product contained rodent hairs.

On June 15, 1942, the United States attorney for the Eastern District of South Carolina filed a libel against 46 dozen packages of vanilla wafers at Darlington, S. C., alleging that the article had been shipped in interstate commerce on or about April 22 and May 16, 1942, by Murray Bros., Inc., from Augusta, Ga.; and charging that it was adulterated. The article was labeled in part: "Southern Style Vanilla Wafers."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 17, 1942, no claimant having appeared, judgement of condemnation was entered and the product was ordered destroyed.

MACARONI PRODUCTS

4052. Adulteration and misbranding of Chili-Mac dinner, and misbranding of macaroni and cheese dinner, and egg noodles and cheese. U. S. v. 41 Cases of Macaroni and Cheese Dinner, 25 Cases of Egg Noodles and Cheese, and 45 Cases of Chili-Mac Dinner. Default decree of condemnation and destruction. (F. D. C. No. 8025, Sample Nos. 15528-F to 15530-F, incl.)

Examination of the Chili-Mac dinner showed that it contained rodent hairs and insect fragments. Examination of all products showed an average head space of 40.5 percent in the cartons of macaroni and cheese dinner; an average head space of 39.2 percent in the cartons of egg noodles and cheese; and an average head space of 45.5 percent in the cartons of the Chili-Mac dinner.

On August 5, 1942, the United States attorney for the District of Montana, filed a libel against the above-named products at Butte, Mont., alleging that the articles had been shipped in interstate commerce on or about June 15, 1942, by the Superior Macaroni Co. from Los Angeles, Calif.; and charging that they were misbranded and that the Chili-Mac Dinner was also adulterated. The articles were labeled in part: "Superio Macaroni and Cheese Dinner," "Superio Brunch a New Taste Egg Noodles with a New Cheese Blend," or "Superio Chili-Mac Dinner, Macaroni and Chili Mix."

The Chili-Mac dinner was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. All products were alleged to be misbranded in that their containers were so made and filled as to be misleading, since the cartons were too large for the amount of food they contained.

On September 1, 1942, no claimant having appeared, judgement of condemnation was entered and the products were ordered destroyed.

4053. Adulteration and misbranding of Italian spaghetti dinner. U. S. v. 21 Cases of Italian Spaghetti Dinner. Default decree of condemnation and destruction. (F. D. C. No. 8006. Sample No. 15526-F.)

The mushroom sauce in this product contained decomposed material, as evidenced by the presence of mold. The cheese contained cheese mites and non-descript dirt and had been made from skim milk. The cartons were not filled to their capacity, the average head space in one size being 27.7 percent and in the other size being 33.8 percent.

On July 31, 1942, the United States attorney for the District of Montana filed a libel against 22 cases, each containing 12 cartons, of spaghetti dinner at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about April 6 and May 26, 1942, by the Superior Macaroni Co., from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Carton) "Superio Brand Italian Spaghetti Dinner."

The article was alleged to be adulterated in that the mushroom sauce consisted in whole or in part of a decomposed substance, and in that the grated cheese consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that the statements (carton) "Italian Style Grated Cheese * * * Rich and Creamy Grated Cheese," and (glassine bag containing cheese) "Grated Italian Style Cheese," were false and misleading as applied to an article made from skim milk; and in that its container was so made, formed, or filled as to be misleading.

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.